

GAU - 1645

**CONTINUED PROSECUTION APPLICATION (CPA)**  
**REQUEST TRANSMITTAL**

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

**RECEIVED**  
**RECEIVED**

Date: January 20, 1999

Group Art Unit: 1645  
 Examiner: Minnifield, N.

JAN 26 1999

Atty. Dkt. PMS 217506 | 93116 PH/De/1

Parent M# Client Ref

(Our Deposit Account No. 03-3975)  
 (Our Order No. 11468

217506

C# Parent M#

#20 1/26/99  
 T. Gray

Address to:

Assistant Commissioner for Patents  
 Box CPA  
 Washington, DC 20231



This is a request for a  continuation or  divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 08/468,145, filed on 06/06/95, entitled Oligopeptide Lyophilisate, Their Preparation and Use.

NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371, i.e., having a §102(e) date granted and is neither abandoned nor its proceedings terminated and its issue fee has not been paid (unless item 6A below is X'd).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1.  Enter the unentered amendment previously filed on October 20, 1998 under 37 CFR 1.116 in the prior nonprovisional application. (Include claim fees on page 2).
2.  A preliminary amendment is enclosed. (See page 3 for additional claims fees).
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a.  DELETE the following inventor(s) named in the prior nonprovisional application:
 

1.	2.	3.	4.
_____	_____	_____	_____
  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney is enclosed.
5. Information Disclosure Statement is enclosed:
 

<input type="checkbox"/> IDS Letter	<input type="checkbox"/> Citing Appln.	<input type="checkbox"/> Foreign Search Report/OA
<input type="checkbox"/> PTO-1449		<input type="checkbox"/> Cited Documents
6.  PRELIMINARY AMENDMENT to be entered before fee calculation (Do not make amendments here except cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee (on page 2) per MPEP § 506 and 607; do not cancel all claims.):
 

00000065 08468145 01 FC:131 02 FC:102 03 FC:117	01 FC:131 02 FC:102 03 FC:117
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6A.  The issue fee has been paid in the parent, but this CPA Request is based on a Rule 313(b)(5) petition and Rule 53(d)(1)(ii)(A).

7.  Attached is a Rule 103(a) Petition to Suspend Action

### FILING FEE

THE FOLLOWING FILING FEE IS BASED ON THE CLAIMS  
EXISTING IN THE PRIOR APPLICATION AS AMENDED AT 1 & 6 ABOVE

	<u>Large/Small Entity</u>	<u>Fee Code</u>
8. Small Entity Statement Filed <input type="checkbox"/> previously (still valid) <input type="checkbox"/> herewith		
9. Basic filing fee -----	<input checked="" type="checkbox"/> Utility Appln. -- \$760/\$380 <input type="checkbox"/> Design Appln. -- \$310/\$155 <input type="checkbox"/> Plant Appln. -- \$480/\$240 <input type="checkbox"/> Reissue Appln. -- \$760/\$380	\$ 760 (131/231) \$ 0 (132/232) \$ 0 (133/233) \$ 0 (134/234)
10. (reserved)		
11. Total Effective Claims <u>20</u> minus <u>20</u> = * <u>0</u> x <u>\$18/\$9</u> = + <u>0</u> (103/203)		
12. Independent Claim <u>4</u> minus <u>3</u> = * <u>1</u> x <u>\$78/\$39</u> = + <u>78</u> (102/202)		
	* If answer is zero or less, enter "0"	
13. If <u>any proper</u> (ignore improper) multiple dependent claim is present, <input type="checkbox"/> add <u>\$260/\$130</u>	+ 0	(104/204)
14. Original Due Date: <u>October 20, 1998</u>	<input type="checkbox"/> None	
15. <b>P</b> titi n is hereby made to extend the <u>original</u> due date to cover the date this CPA is filed for which the requisite fee is attached	(1mo)- \$110/\$55= \$ _____ (2mos)- \$380/\$190= \$ _____ (3mos)- \$870/\$435= \$ _____	\$ 870 (115/215) (116/216) (117/217)
16. Enter any previous extension fee <u>paid</u> since above <u>original</u> due date (item 14) and subtract	- \$ _____	
17.	<b>EXTENSION FEE ATTACHED</b>	\$ <u>870</u>
18.	<b>TOTAL FILING FEE =</b>	\$ <u>1708</u>
19. If "petition" box 7 above is X'd,----- add petition fee (\$130)	+ 0	(122)
20.	<b>FEE ATTACHED =</b>	\$ <u>1708</u> (carry forward to line 27)

**(FOR AMENDMENT FEES RE ITEM 2 ABOVE SEE NEXT PAGE)**

21.  ATTACHED:

22. **ADDITIONAL FEE CALCULATION FOR PRELIMINARY AMENDMENT  
TO BE ENTERED (PER ITEM 2 ABOVE)**

	<b>Claims remaining after amendment</b>	<b>Highest number previously paid for</b>	<b>Present Extra</b>	<b>Additional Fee</b>		<b>Fee Code</b>
				<b>Large/Small Entity</b>		
23. Total Effective Claims	4	minus**	20	= *	0	x \$18/\$9 = \$ 0 (103/203)
24. Independent Claims	1	minus***	3	= *	0	x \$78/\$39 = + 0 (102/202)
25. If amendment enters proper multiple dependent claim(s) into this application for the <u>first time</u> , ----- <input type="checkbox"/> add \$260/\$130 (per application)				+ 0		(104/204)
26.				ADDITIONAL FEE	\$ 0	
27.				plus <b>FEE</b> from item 20 on page 3	+ 1708	
28.				<b>TOTAL FEE ATTACHED</b>	\$ 1708	

29.\*If the entry in the first space is less than entry in the middle space, the "Present Extra" result is "0".

30.\*\*If the "Highest number previously paid for" (see item 11 above) is less than 20, write "20" in this space.

31.\*\*\*If the "Highest number previously paid for" (see item 12 above) is less than 3, write "3" in this space.

32. **CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Pillsbury Madison & Sutro LLP  
Intellectual Property Group

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Tel: (202) 861-3000  
Atty/Sec: ASH/sce

By Atty: Ann S. Hobbs Reg. No. 36830

Sig: L.A. Hobbs Fax: (202) 822-0944  
Tel.: (202) 861-3063

**NOTE: No. 1:** File this Request in duplicate with PTO receipt (PAT-103A) & attachments.  
**NOTE: No. 2:** Is extension necessary for copendency? **DOUBLE CHECK** Item 14 above.